

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45439 of 2023

Arising Out of PS. Case No.-155 Year-2023 Thana- BHANGWANPUR HAT District- Siwan

VIKASH KUMAR SON OF KAMESHWAR SINGH RESIDENT OF
VILLAGE- BHIKHAMPUR, PS- BHAGWANPUR HAT, DISTT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harsh Anuj, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 04-08-2023 Heard learned counsel for the petitioner, State and
the learned Counsel for the informant.

The petitioner apprehends his arrest in connection with Bhagwanpur Hat P.S. Case No. 155 of 2023 for the offence registered under sections 341, 323, 307, 379, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 02.05.2023 by the informant, Munna Sharma.

As per the prosecution story, the informant alleged that when he was sitting in his shop, this petitioner as also his friends came and wanted to drink wine, they further asked for snacks and glasses. As he refused to fulfill the demand, infuriated, indiscriminate firing was made which however did not hit him. Accordingly, the FIR.



Learned counsel for the petitioner submits that due to village rivalry, he has been implicated, he being the Chairman of the local PACS.

Further, irrespective of the outcome of the present case and/or accepting the allegation, the petitioner(s) intends to contribute Rs. 20,000/- on its own to the Chief Minister's Relief Fund.

Learned Counsel for the informant submits that it was just a sheer chance that the indiscriminate firing of the petitioner did not hit him. He further clears that once the relief is granted to him will again threaten and/or tried to assault.

Learned Counsel for the petitioner submits that the said apprehensions is unfounded, the petitioner is a peace loving person and will ensure that his attitude does not affect the peace of the society.

Considering the aforesaid facts, this Court is inclined to extend him privilege of anticipatory bail on the undertaking given by the learned Counsel for the petitioner that in no way he will have any relationship with the informant and/or will try to disturb him, this will subject to payment of Rs. 20,000/- as undertaken by the learned counsel for the petitioner to be paid by demand draft of local State Bank of India and receipt to be



submitted to the trial Court.

Let the petitioner in the event of arrest or surrender within a period of four weeks from the date of receipt of the order, shall be released on anticipatory bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned J.M. 1st Siwan in connection with Bhagwanpur Hat P.S. Case No. 155 of 2023 subject to condition as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member of the petitioner, who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the anticipatory bail application stands allowed.

(Rajiv Roy, J)

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